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APR 28 2005

OFFICE OF PETITIONS

In re Application of
Duncan, et al.
Application No. 10/820,115
Filed: April 7, 2004
Attorney Docket No. AM100089
For: PROCESS FOR THE SYNTHESIS OF 3-
CYANO-6-ALKOXY-7-NITRO-4-QUINOLONES

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This decision is in response to the petition under 37 CFR 1.47(a), filed March 28, 2005.

The petition is granted.

Petitioners have shown that the non-signing inventor, Miguel Angel Pagan, cannot be located. Specifically, the declaration/statement of facts of Attorney Joy S. Goudie establishes that despite attempts to locate the inventor through the mail, through inquiries of his former employers and co-inventor, and through other information database searches, that Mr. Pagan cannot be located. Petitioners have diligently searched for Mr. Pagan. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. A late declaration surcharge of \$130.00 37 CFR 1.16(e) will be charged to deposit account no. 01-1425, because the original declaration was not acceptable until Rule 47 status was granted and that petition was filed well after the filing date of this application.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to Publications Division.

Application No. 10/820,115

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Telephone inquiries should be directed to the undersigned at (571) 272-3230.



E. Shirene Willis
Petitions Attorney
Office of Petitions



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LETTER

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OFFICE OF PETITIONS

Dear Mr. Pagan:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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